

Message Text

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PAGE 01 MOSCOW 06463 262042Z

21

ACTION EUR-12

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R 261512Z APR 76

FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC 3029

ERDA WASHDC

UNCLAS MOSCOW 6463

ERDA FOR R. TENNY JOHNSON

E.O. 11652: NA

TAGS: TGEN, UR, US

SUBJ: US-USSR S&T AGREEMENT SCIENCE POLICY (01.09)

1. EMBASSY HAS RECEIVED LETTER DATED 9 APRIL AND DRAFT PAPER FOR JOHNSON FROM ARTEM'YEV. INFORMAL TRANSLATION FOLLOWS.

2. BEGIN QUOTE: HAVING ACQUAINTED WITH THE DRAFT OF THE SECTION "INVENTION REGULATIONS" WHICH YOU SENT US MARCH 9, 1976, THE SOVIET SIDE OF THE WORKING GROUP ON INTELLECTUAL PROPERTY WITH SATISFACTION NOTES THAT THE POINTS OF VIEW ARE DRAWING CLOSER.

3. WE FORWARD YOU THE DRAFT PROJECTNOTE, PREPARED BY THE SOVIET SIDE OF THE GROUP, ACCORDING TO YOUR SUGGESTIONS.

4. WE BELIEVE THAT THESE NOTES WILL ASSIT TO COMPARE THE POSITIONS OF BOTH SIDES AND TO PREPARE A MUTULALLY ACCEPTABLE TEXT DURING THE FORTHCOMING SESSION OF THE WORKING GROUP. END QUOTE.

5. BEGIN TEXT OF PAPER: DRAFT PROJECT NOTE OF THE SOVIET SIDE OF THE WORKING GROUP ACCORDING TO SUGGESTIONS OF THE USA OF MARCH 9, 1976:

ARTICLE OBSERVATION

1.1 ESSENTALLY IS ACCEPTABLE. THE FOLLOWING WORKDING IS SUGGESTED:

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 MOSCOW 06463 262042Z

1.1(A) COOPERATING SIDES EXCHANGE INFORMATION CONCERNING PATENTS AND CERTIFICATES OF AUTHORSHIP OF INVENTIONS WHICH BELONG TO THEM OR ARE UNDER THEIR CONTROL ON THE TERRITORY OF OTHER SIDE IN THE FIELD TO WHICH PERTAINS A JOINT DEVELOPMENT.

1.1(B) COOPERATING SIDES ALSO REGULARLY INFORM EACH OTHER ABOUT PATENTS OR INVENTOR'S CERTIFICATES WHICH WERE OBTAINED BY THEM OR WHICH WERE BROUGHT UNDER THEIR CONTROL ON THE TERRITORY OF OTHER SIDE AS A RESULT OF COOPERATING BUT INDEPENDENT PARALLEL WORK.

1.1(C) QUESTIONS OF USE OF INVENTIONS FALLING UNDER ACTION OF ARTICLES 1.1(A) AND 1.1(B), ARE REGULATED BY PROVISIONS OF ARTICLE # 3 OF GENERAL PRINCIPLES FOR SOLUTION PROBLEMS OF INTELLECTUAL PROPERTY.

1.2(A) A NEW WORKING IS SUGGESTED: TO JOINT INVENTIONS WHICH ARE REGULATED BY PROVISIONS OF ARTICLE 4 OF GENERAL PRINCIPLES PERTAIN AS A RULE A) INVENTIONS CREATED IN COAUTHORSHIP BY CITIZENS OF THE USSR AND THE USA; B) INVENTIONS CREATED AS A RESULT OF JOINTLY FINANCED DEVELOPMENTS, IF THIS IS PROVIDED BY THE AGREEMENT CONCERNING CONDUCTING SUCH DEVELOPMENTS. INCIDENTALLY, UNDER JOINTLY FINANCED DEVELOPMENTS ARE UNDERSTOOD THE DEVELOPMENTS WHICH ARE CARRIED OUT ON THE BASIS OF A MUTUALLY COORDINATED OF EXPENSES.

1.2(B) NO OBSERVATIONS IN ESSENCE

1.2(C) WE PROPOSE TO LIMIT OURSELVES TO THE FIRST SENTENCE OF THE ARTICLE.

1.3 NO OBSERVATIONS IN ESSENCE. WE PROPOSE TO INCLUDE INTO THE TEXT THE SECOND SENTENCE OF ARTICLE 1.2(C).

1.4(A) WE PROPOSE TO ALTER THE SECOND SENTENCE IN THE FOLLOWING WAY: 1) TO WITHDRAW THE MENTION OF THE THREE-MONTH TERM; 2) INSTEAD OF REFERENCE TO ARTICLES 1.4(A), (C), 1.5(B), (C) TO RECOMMEND A REFERENCE TO "DISPUTES SETTLEMENT PROCEDURE" I.E. TO SECTION 3 "ORDER OF GENERAL PRINCIPLES USE."

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 MOSCOW 06463 262042Z

1.4(B)&(C) WE PROPOSE TO WITHDRAW THESE ARTICLES IN CONNECTION WITH THE AMENDMENT PROPOSED IN ARTICLE 1.4(A).

1.4(D)&1.5(A) ACCEPTED WITHOUT OBSERVATIONS

1.5(B) WE PROPOSE TO LEAVE ONLY THE FIRST PHRASE BUT TO EDIT IT ACCORDING TO ALTERATIONS OF ARTICLE 1.4(A).

1.5(C) WE PROPOSE TO LIMIT OURSELVES TO THE FIRST PHRASE,
HAVING SUPPLEMENTED IT WITH A NEW SENTENCE: "THE QUESTION CONCERNING SHARES IN PROFITS GOTTEN BY REALIZATION OF JOINT INVESTMENTS IN THESE COUNTRIES MUST BE SPECIFIED IN AGREEMENTS OF CONCRETE JOINT DEVELOPMENTS.

1.6(A) ACCEPTED WITHOUT OBSERVATIONS.

1.6(B) WE PROPOSE TO LIMIT OURSELVES TO THE FIRST PHRASE AND THE BEGINNING OF THE SECOND PHRASE UP TO WORDS "IF ONLY THEY NOT.."

1.6(C) WE PROPOSE TO LIMIT OURSELVES TO THE FIRST PHRASE.
END TEXT.

6. LETTER AND DRAFT POUCHES OES/APT/SEP, REGISTRY NO. 2041621.

STOESSEL

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